

Remarks

Status

The Specification has been amended to correct two typographical errors in the originally filed application. Applicants submit that the corrections are in conformance with the changes approved in the parent application. Applicants respectfully submit that no new matter is introduced by the present Amendments. Claims 36–55 are rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,967,984 to Chu et al. (“*Chu*”) in view of U.S. Patent No. 5,499,630 to Hiki et al. 45 (“*Hiki*”).

Rejection of Claims 36-55 under 35 U.S.C. §103(a)

Applicants respectfully traverse the rejection of claims 36-55 over Chu in view of Hiki. Applicants respectfully request reconsideration and withdrawal of the rejection of claims and 36-55 under 35 U.S.C. §103(a) over Chu in view of Hiki, because Chu is not a proper reference pursuant to 35 U.S.C. § 103(c) and claims 36-55 are patentable over Hiki.

1. Common Ownership Statement

The Applicants submit that Chu is disqualified as prior art under 35 U.S.C. § 103(c). See, also, MPEP 706.02(I), 715.01. The subject matter of Chu and the claimed invention of the instant application were, at the time the invention was made, owned by Boston Scientific Corporation or subject to an obligation of assignment to Boston Scientific Corporation. More specifically, common ownership by Boston Scientific Corporation of the instant application and Chu (United States Patent Number 5,967,984) for purposes of 35 U.S.C. § 103(c) is established and is supported by the following documents.

First, an assignment recorded on April 9, 1997 at Reel 008502, Frame 0967, the

assignment dated no later than April 3, 1997, conveys the inventors' entire rights in United States Patent No. 5,967,984 to Boston Scientific Corporation (a copy of the assignment record from the United States Patent Office Assignments on the Web is attached as Exhibit A). Second, the instant application, United States Serial No. 09/928,146, is a divisional application of United States Serial No. 08/679,425, now United States Patent No. 6,296,608. An assignment recorded on September 30, 1996 at Reel 8157, Frame 0182, the assignment dated no later than September 25, 1996, conveys the inventors' entire rights in United States Patent No. 6,296,608, to Boston Scientific Corporation (a copy of the recordation of assignment of rights in United States Serial No. 08/679,425, now United States Patent No. 6,296,608, is attached as Exhibit B). Third, the assignment for the instant divisional application United States Serial No. 09/928,146 has been filed, but is not yet recorded (a copy of the assignment, recordation of assignment and related papers for the instant divisional application transferring the inventors' entire rights to Boston Scientific Corporation is attached at Exhibit C).

Accordingly, the Applicants respectfully submit that Chu is not prior art, at least pursuant to 35 U.S.C. § 103(c), to the instant application for purposes of a rejection based on 35 U.S.C. § 103(a). As noted above, claims 36-55 are rejected under 35 U.S.C. 103(a) over Chu in view of Hiki. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and 36-55 under 35 U.S.C. §103(a) over Chu in view of Hiki, because Chu is not a proper reference pursuant to 35 U.S.C. § 103(c) and claims 36-55 are patentable over Hiki.

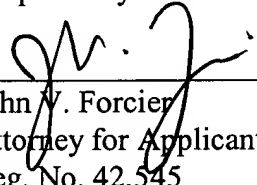
Conclusion

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all rejections, and allowance of all pending claims (i.e., claims 36-55) in due course. The Examiner is invited to contact Applicants undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Date: June 25, 2004

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Respectfully submitted,



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